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JAN 29 2013

1 Richard Andrew Tarantino, Jr.
2 1650 Denkinger Road
3 Concord, California [94521]
4 Telephone: (925) 686-1206

City Attorney

Plaintiff

5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8

9 Richard Andrew Tarantino, Jr.,

) Case No.: C12-00579 (JCS)

10 Plaintiff,

11 vs.

)
)
) PLAINTIFF'S RESPONSE TO DEFENDANTS
) REQUEST FOR ADMISSIONS, SET ONE
) (FRCP 36)

12 CITY OF CONCORD; DAVID LIVINGSTON,)
13 individually and in his official capacity as CHIEF)
14 OF POLICE for CITY OF CONCORD;)
15 GHULAM GHAZNAWI, individually and in his)
16 official capacity as a police officer; AARON)
17 SMITH, individually and in his official capacity)
18 as a police officer; KEVIN BOLLINGER,)
19 individually and in his official capacity as a police)
20 officer; Corporal CRUZ, individually and in his)
21 official capacity as a police officer;)
22 and DOES 1 – 40, inclusive,)

Defendants,

21 PROPOUNDING PARTY: DEFENDANTS

22 RESPONDING PARTY: PLAINTIFF

23 SET NO.: ONE

24
25 **RESPONSE TO REQUEST FOR ADMISSIONS, SET ONE**

26 **REQUEST FOR ADMISSION NO. 1:**

27 Admit that on February 6, 2008, you were arrested by Concord police for violations of California
28 Penal Code Sections 243(b) and 148(a)(1).

1 Response to Request for Admission No. 1:

2 Plaintiff admits only that on February 6, 2008 he was arrested by Concord police. Plaintiff denies
3 that he violated any penal codes.

4 **REQUEST FOR ADMISSION NO. 2:**

5 Admit that on August 5, 2008, you submitted a "NOTICE OF CLAIM AGAINST THE CITY OF
6 CONCORD, CALIFORNIA" (hereinafter referred to as "August 5, 2008 Claim") in connection with
7 your February 6, 2008 arrest by Concord police.

8 Response to Request for Admission No. 2:

9 Admit.

10 **REQUEST FOR ADMISSION NO. 3:**

11 Admit that on September 10, 2008 the City denied your August 5, 2008 Claim in writing.
12

13 Response to Request for Admission No. 3:

14 Admit.

15 **REQUEST FOR ADMISSION NO. 4:**

16 Admit that you filed a civil lawsuit on February 3, 2012 with the Northern District Court of
17 California against Defendants in connection with your February 6, 2008 arrest, entitled Richard
18 Andrew Tarantino, Jr. v. City of Concord, et al., United States District Court No. C12-00579.

19 Response to Request for Admission No. 4:

20 Admit.

21 **REQUEST FOR ADMISSION NO. 5:**

22 Admit that criminal charges were filed against you in the matter of People v. Richard Tarantino,
23 Contra Costa Superior Court Case No. 01-138389-2 based upon your February 6, 2008 arrest by
24 Concord police.

25 Response to Request for Admission No. 5:

26 Admit.

27 **REQUEST FOR ADMISSION NO. 6:**

1 Admit that after a jury trial, on April 16, 2009, you were convicted for violations of Penal Code
2 Sections 240, 241, 148(a)(1) and Vehicle Code Section 14601(a) in the criminal action People v.
3 Richard Tarantino, Contra Costa Superior Court Case No. 01-138389-2.

4 Response to Request for Admission No. 6:

5 Plaintiff does not have enough information to admit or deny.

6 **REQUEST FOR ADMISSION NO. 7:**

7 Admit that the conviction issued against you in People v. Richard Tarantino, Contra Costa Superior
8 Court Case No. 01-138389-2 has not been overturned on appeal.

9 Response to Request for Admission No. 7:

10 Admit.

11 **REQUEST FOR ADMISSION NO. 8:**

12 Admit that the conviction issued against you in People v. Richard Tarantino, Contra Costa Superior
13 Court Case No. 01-138389-2 has not been expunged by executive order.

14 Response to Request for Admission No. 8:

15 Admit.

16 **REQUEST FOR ADMISSION NO. 9:**

17 Admit that the conviction issued against you in People v. Richard Tarantino, Contra Costa Superior
18 Court Case No. 01-138389-2 has not been declared invalid by an authorized state tribunal.

19 Response to Request for Admission No. 9:

20 Admit.

21 **REQUEST FOR ADMISSION NO. 10:**

22 Admit that the conviction issued against you in People v. Richard Tarantino, Contra Costa Superior
23 Court Case No. 01-138389-2 has not been subject of a court's issuance of a writ of habeas corpus.

24 Response to Request for Admission No. 10:

25 Admit.

26 DATED: January 26, 2013

27 By: Richard Andrew Tarantino, Jr.

28 Richard Andrew Tarantino, Jr.
Plaintiff

VERIFICATION

Tarantino v. City of Concord, Case No. C12-00579 (JCS)

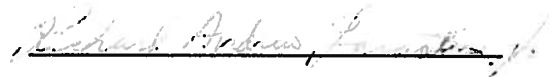
STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

I, the undersigned, declare and state as follows: I am a party to this action. I have read the foregoing Plaintiff's Response To Defendants' Request For Admissions, Set No. One and know the contents thereof.

The same is true of my own knowledge, except as to those matters which are therein stated on information and belief; and, as to those matters, I believe them to be true.

Dated: 1-26-2013

A handwritten signature in cursive script, appearing to read "Richard Andrew Tarantino, Jr.", is written over a horizontal line.

Richard Andrew Tarantino, Jr.